

Senate Bill No. 773

CHAPTER 440

An act to amend Section 35401.7 of the Vehicle Code, relating to vehicles.

[Approved by Governor October 10, 2007. Filed with
Secretary of State October 10, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 773, Wiggins. Vehicles: limitations of access.

Existing law exempts from established limitations of access governing the operation of vehicles on highways, licensed carriers of livestock when engaged in travel necessary and incidental to the shipment of livestock on specified portions of State Highway Route 101 (Highway 101). In order for the exemption to apply, the carriers must meet certain specified conditions. The Department of the California Highway Patrol is required to continue the previously issued comprehensive study of the effect of the exemption on public safety, within the provided parameters. Existing law is repealed on January 1, 2012.

This bill would require, as a condition the carriers must meet to qualify for the exemption, that the distance from the kingpin to the rearmost axle of the semitrailer does not exceed 43 feet instead of the current 40 feet. The carriers would also be required to fulfill the condition that the length of the semitrailer does not exceed a total of 48 feet.

The bill would require that if the Department of Transportation determines prior to January 1, 2012, that the only adjustment to Highway 101 possible to accommodate the livestock trucks allowed to travel on those portions of Highway 101 is the removal of any tree that has a diameter of 42 inches or greater, measured outside the bark, at 12 inches above ground on the side adjacent to the highest ground level, the Director of Transportation would be required to notify the Secretary of State, and the exemption and study requirements would be repealed upon receipt of the specified notice by the Secretary of State.

The bill would also require that if the Department of Transportation determines prior to January 1, 2012, that safety improvements to the portion of Highway 101 described herein have resulted in the reclassification of the entire segment as a terminal access route, the Director of Transportation would be required to notify the Secretary of State, and the exemption and study requirements would be repealed upon receipt of the specified notice by the Secretary of State.

The people of the State of California do enact as follows:

SECTION 1. Section 35401.7 of the Vehicle Code is amended to read:

35401.7. (a) The limitations of access specified in subdivision (d) of Section 35401.5 do not apply to licensed carriers of livestock when those carriers are directly en route to or from a point of loading or unloading of livestock on those portions of State Highway Route 101 located in the Counties of Del Norte, Humboldt, and Mendocino from its junction with State Highway Route 1 near Leggett north to the Oregon border, if the travel is necessary and incidental to the shipment of the livestock.

(b) The exemption allowed under this section does not apply unless all of the following conditions are met:

(1) The length of the truck tractor, in combination with the semitrailer used to transport the livestock, does not exceed a total of 70 feet.

(2) The distance from the kingpin to the rearmost axle of the semitrailer does not exceed 43 feet.

(3) The length of the semitrailer does not exceed a total of 48 feet.

(c) The exemption allowed under this section does not apply to travel conducted on the day prior to, or on the day of, any federally recognized holiday.

(d) The Department of the California Highway Patrol, in consultation with the Department of Transportation and in accordance with recommendations from the Department of the California Highway Patrol's study issued on March 20, 2006, of the effect of the statutory exemption, shall continue the comprehensive study of the effect that the exemption provided by this section has on the public safety during the extended effective period of the exemption, and make recommendations on future exemptions, including the creation of a permitting system for cattle truck and trailer combinations meeting applicable provisions of the federal Surface Transportation Assistance Act of 1982 (Public Law 97-424), and appropriate safety improvements. Notwithstanding Section 7550.5 of the Government Code, the Department of the California Highway Patrol shall report the findings of this additional study and recommendations to the Governor and the Legislature on or before January 1, 2011.

(e) This section shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date.

(f) (1) If prior to January 1, 2012, the Director of Transportation determines that the only adjustment to State Highway Route 101 possible to accommodate the truck sizes allowed to travel on portions of State Highway Route 101, pursuant to subdivisions (a) and (b) is the removal of any tree that has a diameter of 42 inches or greater, measured outside the bark, at 12 inches above ground on the side adjacent to the highest ground level, the director shall notify the Secretary of State of that determination.

(2) If prior to January 1, 2012, the Director of Transportation determines that safety improvements to the portion of State Highway Route 101 described in subdivision (a) have resulted in the reclassification of the entire

segment as a terminal access route pursuant to subdivision (d) of Section 35401.5, the director shall notify the Secretary of State of that determination.

(3) The notice required under paragraph (1) or (2) shall state that it is being made pursuant to this section.

(4) This section is repealed on the date the Secretary of State receives either of the notices described in this subdivision.